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JUN 21 2006

610 Gateway Drive Mail Drop Y-04, North Sioux City, SD 57049-2000

Law Department  
Intellectual Property  
Mail Drop Y-04

Date: June 21, 2006

Pages: - 8 -  
(Including Cover)

To:	Examiner LASTRA, Daniel
Re:	Appln Serial No. 09/751,801
Dept./Co.:	U.S. Patent Office,
Fax:	571-273-8300
Phone:	
From:	Jeffrey A. Proehl, Reg. No. 35,987
Ref:	Atty Docket No. P1670US00
Fax:	605-232-2612
Phone:	605-232-1967

## MESSAGE:

Transmitted herewith, please find:

- 1.) Response to Notice Requiring Excess Claims Fees
- 2.) Fee Transmittal
- 3.) Notice Requiring Excess Claims Fees

**CERTIFICATION UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being transmitted, via facsimile, to the Commissioner of Patents, Washington, D.C., on the date indicated above, and to the proper USPTO facsimile telephone number, shown above.

Name: Lori Boulware

Signature: A handwritten signature in cursive script, appearing to read "Lori Boulware", written over a horizontal line.

*The information contained in this transmission is intended for use of the individual or entity named above. If reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and return the original transmission to us at the above address via the U.S. Postal Service.*

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Appln. No. 09/751,801  
Amendment dated May 11, 2005  
Reply to Office Action mailed January 11, 2005

Attorney's Docket No. 24-0041  
Client's Docket No. P1670US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Appln. No. 09/751,801 )  
First Named Applicant: SCOTT D LEAPMAN )  
Filed: 12/29/2000 )  
For: SYSTEM AND METHOD FOR TARGETED ADVERTISING )  
TC/A.U.: 3622 )  
Examiner: Lastra, Daniel )  
Attorney: Jeffrey A. Proehl )

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**RESPONSE TO NOTICE REQUIRING EXCESS CLAIMS FEES**

Responsive to the "Notice Requiring Excess Claims Fees" mailed June 13, 2006, enclosed please find:

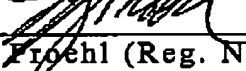
1) a "Fee Transmittal" authorizing the Commissioner to charge Deposit Account No. 50-0439 in the amount of \$216.00 (or as required) for the excess claims added by the Amendment of October 29, 2004; and

2) a copy of the aforesaid Notice and attachments.

In light of the foregoing, it is submitted that the applicant has complied with the Notice.

Respectfully submitted,

GATEWAY, INC.

By   
Jeffrey A. Proehl (Reg. No. 35,987)  
Customer No. 24,333  
Gateway, Inc.  
610 Gateway Dr., Y-04  
N. Sioux City, SD 57049  
Telephone (605) 232-1967  
Fax (605) 232-2612

Date: 

06/22/2006 BABRAHA1 00000021 500439 09751801  
01 FC:2202 300.00 DA

JUN 21 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 216.00

**Complete if Known**

Application Number	09/751,801
Filing Date	12/29/2000
First Named Inventor	LEAPMAN, Scott D.
Examiner Name	LASTRA, Daniel
Art Unit	3622
Attorney Docket No.	P1670US00

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-0439 Deposit Account Name: Gateway, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	12	x 18	= 216

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x		

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

**SUBMITTED BY**

Signature

Name (Print/Type) Jeffery A. Proehl

Registration No. 35,987  
(Attorney/Agent)

Telephone (605) 336-3880

Date June 21, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

*File 704500*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,801	12/29/2000	Scott D. Leapman	1957	5937

30408 7590 06/13/2006

GATEWAY, INC.  
ATTN: PATENT ATTORNEY  
610 GATEWAY DR.  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 10/29/04 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$246, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

SD-0439

- ☒ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☒ 5. Other. *The Fee for Amendment 10/29/04 was not payed. Claims Add 38-49 (12 Claims add)*

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/uc/us/one/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

*J. P. Smith* (571) 272-6614  
Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

10/28/2004 13:40 FAX 605 3361931

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09/751801

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Approved for use through 07/31/2006. OMB 0201-0002  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Patent Application Number: 09/751,801**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 216.00)

**Complete if Known**

Application Number	09/751,801
Filing Date	12/29/2000
First Named Inventor	Scott D. Leppman
Examiner Name	Leatra, Daniel
Art Unit	3822
Attorney Docket No.	P16704J800

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number

50-0439

Deposit Account Name

Gateway, Inc.

The Director is authorized to (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee by the above classified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 760	2001 380	Utility filing fee	
1002 360	2002 175	Design filing fee	
1003 350	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	12	X 18	216
Multiple Dependent		X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 98	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claims, if not paid
1204 68	2204 44	Reissue independent claims over original patent
1205 18	2205 9	Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*For number previously paid, if greater, for Reissue, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)

Small Entity Fee Code (\$)

Fee Description

Fee Paid

1061 150	2061 65	Surcharge - late filing fee or cash	
1062 60	2062 28	Surcharge - late provisional filing fee or cash	
1055 130	2055 130	Non-English specification	
1812 2,620	2812 2,620	For filing a request for an extra examination	
1804 920	2804 920	Requesting publication of SIF prior to Examiner action	
1805 1,940	2805 1,940	Requesting publication of SIF after Examiner action	
1251 110	2251 65	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public-use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,270	2453 635	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (for reissue)	
1602 480	2602 240	Design issue fee	
1603 660	2603 330	Plant issue fee	
1480 130	2480 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(a)	
1808 160	2808 160	Submission of Information Disclosure Sheet	
8021 40	2021 40	Recording each patent assignment per property (less number of properties)	
1009 780	2009 390	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For extra additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 395	Request for Continued Examination (RCE)	
1802 900	2802 450	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 216.00)****SUBMITTED BY**

Name (Print/Type) Jeffrey A. Proehl

Signature

Registration No. (Attorney/Agent)

35,987

**Complete if applicable**

Telephone 605 338-2028

Date

October 29, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.37. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 13 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 2/2 \* RCVD AT 10/29/2004 3:41:39 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-1/2 \* DNIS:8729306 \* CSID:605 3361931 \* DURATION (mm:ss):07:56

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**RAM** Fee History  
Query  
Revenue Accounting and Management

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Name/Number: 09751801

Total Records Found: 5

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/13/2005	00000143	1	<u>1801</u>	\$790.00	07/11/2005	DA 500439
01/19/2001	00000090	1	<u>101</u>	\$710.00	12/29/2000	DA 122475
01/19/2001	00000091	1	<u>103</u>	\$306.00	12/29/2000	DA 122475
01/19/2001	00000092	1	<u>102</u>	\$160.00	12/29/2000	DA 122475
01/19/2001	00000093	1	<u>581</u>	\$40.00	12/29/2000	DA 122475

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